

REMARKS

The Office Action dated December 24, 2008 has been received and carefully considered. In this response, claims 1, 5, 7, 9-11, 13, 14, 17, 19, 20, 23, 26, 30, 32, 34-37, 40, and 42 have been amended. No new matter has been added. Entry of these amendments is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

I. THE NON-STATUTORY SUBJECT MATTER REJECTION OF CLAIMS 1-42

On page 2 of the Office Action, claims 1-42 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is hereby respectfully traversed.

The Examiner asserts that "claims 1, 23, 26, and 40 recite a system, which is interpreted as a computer program, software per se." Office Action at 2. It is respectfully submitted that this interpretation of the pending claims is incorrect for at least the following reasons. First, only claims 1 and 23 (and their dependent claims) are system claims while claims 26 and 40 (and their dependent claims) are process claims. Second, neither the system claims nor the process claims should be narrowly interpreted as being directed to computer software only, as the plain language of the claims and the specification make it clear that embodiments of the present invention can be implemented in software and/or hardware. *See, e.g.*, Present Application at para. 12 ("The compartments are preferably logical compartments for separate software functions but separate compartments of physical hardware can also be utilized to form the compartments."). Third, claims 1-25 specifically recite a "network computer system" and further recite various "servers." Applicant has also amended claims 26 and 40 to clarify these

are “computer-implemented” processed although these claims already recited statutory subject matter such as “server,” “computer network,” and “network computer system.”

In view of the foregoing, it is respectfully requested that the aforementioned non-statutory subject matter rejection of claims 1-42 be withdrawn.

II. THE ANTICIPATION REJECTION OF CLAIMS 1-3, 6-9, 11-12, 14-16, 19, 22, 26-28, 34-37, AND 39

On pages 3-7 of the Office Action, claims 1-3, 6-9, 11-12, 14-16, 19, 22, 26-28, 34-37, and 39 were rejected under 35 U.S.C. § 102(b) as being anticipated by “Trusted Solaris 8 Operating Environment” (hereinafter “Solaris”). This rejection is hereby respectfully traversed.

With little explanation, the Office Action cited various paragraphs from Solaris as allegedly disclosing elements of the present invention. Applicant believes that most of the citations are incorrect or inaccurate and they fail to show a *prima facie* case of anticipation. Due to current amendment to the claims, Applicant will only point out two deficiencies without discussing the previous rejection in detail.

First, all the claims rejected as being anticipated by Solaris recite “at least one proxy server.” However, Solaris never mentions a proxy server or even uses the word “proxy” anywhere in its disclosure.

Second, Solaris does not teach or suggest a compartment concept as presently claimed. The “compartment” disclosed in Solaris refers to security classification of user groups. *See* Solaris at page 13, para. 3 (“The compartment component represents a group of users who may need access to a common body of information.”) On the other hand, the “compartment” in the present invention refers to segregation of software and/or hardware functions —

"The preferred design, illustrated by the schematic of FIG. 1, includes a series of compartments and is generally indicated by numeral 10. The compartments are preferably logical compartments for separate software functions but separate compartments of physical hardware can also be utilized to form the compartments. Moreover, compartments within this patent application do not specifically need to be a traditional logical compartment but can be a sensitivity label or a combination of logical compartments and sensitivity labels. Moreover, it can include any mechanism for identifying separate software functions. The preferred logical compartments can be collapsed and optimally housed within a unitary piece of hardware for an entire information technology enterprise. The preferred operating system is one that is Common Criteria Certified and is generally indicated by numeral 12."

Present Application at para. 12. *See also* Present Application at para. 13 ("top-down approach" limits communications among compartments).

Notwithstanding the foregoing, Applicant has amended claims 1, 5, 7, 9-11, 13, 14, 17, 19, 20, 23, 26, 30, 32, 34-37, 40, and 42 to clarify the claimed invention. It is believed that none the cited references teach or suggest a top-down security design that limits communications among a plurality of compartments as presently claimed.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1-3, 6-9, 11-12, 14-16, 19, 22, 26-28, 34-37, and 39 be withdrawn.

III. THE OBVIOUSNESS REJECTION OF CLAIMS 4-5, 10, 13, 17-18, 20-21, 23-25, 29-33, 38, AND 40-42

On pages 7-15 of the Office Action, claims 4-5, 10, 13, 17-18, 20-21, 23-25, 29-33, 38, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Solaris in view of Sheikh (U.S. Pub. No. 2002/0078382). This rejection is deficient in view of the deficiencies noted above in the primary reference Solaris. In addition, this rejection has become moot in view of the amendments to the claims.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 4-5, 10, 13, 17-18, 20-21, 23-25, 29-33, 38, and 40-42 be withdrawn.

IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-4494, and please credit any excess fees to the same deposit account.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,
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